

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

OCT 24 2017 *JH*

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ROBERT REAL,)
LINDA REAL, and)
CRYSTAL JOHNSON,)

Defendants.)

CRIMINAL NO. 17-2955 WJ

Count 1: 18 U.S.C. § 371: Conspiracy;

Counts 2, 6: 18 U.S.C. §§ 922(b)(2):
Sale of Firearm to a Felon;

Count 3: 18 U.S.C. § 922(b)(1): Sale of
Firearm Other Than Rifle or Shotgun to
a Person Under 21 Years of Age;

Counts 4, 8: 18 U.S.C. § 922(m):
Falsification of Required Firearm
Transfer Records;

Count 5: 18 U.S.C. § 923(j):
Unauthorized Transfer of Firearm From
Motor Vehicle;

Count 7: 18 U.S.C. § 1001: Material
False Statements to Federal Law
Enforcement Agents.

INDICTMENT

The Grand Jury charges:

INTRODUCTION

1. At all times relevant to the indictment, the defendant, **ROBERT REAL**, held Federal Firearms License ("FFL") number 5-85-35024, awarded by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), making him a licensed firearms dealer within the meaning of federal law and allowing him to do business as Shooter's Outpost, 25A Gun Barrel Road, Espanola, New Mexico.

2. **LINDA REAL** is the wife and employee of **ROBERT REAL**.

3. **CRYSTAL JOHNSON** is the daughter of **LINDA REAL**, and employee of **ROBERT REAL**.

Count 1

4. Paragraphs 1 through 3, above, are hereby incorporated by reference as if fully set forth herein.

5. Between on or about March 12, 2016 and February 8, 2017, in Rio Arriba County and elsewhere in the District of New Mexico, the Defendants, **ROBERT REAL, LINDA REAL, and CRYSTAL JOHNSON**, along with others known and unknown to the Grand Jury, did knowingly combine, conspire, confederate, agree, and act interdependently with each other to commit certain offenses against the United States, namely sale of firearms by licensed dealers to prohibited possessors, in violation of Title 18, United States Code, Section 922(b)(2), sale of firearms other than rifles or shotguns by licensed dealers to those under 21 years of age, in violation of Title 18, United States Code, Section 922(b)(1), falsification of required firearm transfer records, in violation of Title 18, United States Code 922(m), unauthorized transfer of firearm from a motor vehicle, in violation of Title 18, United States Code, Section 923(j), and material false statements to law enforcement agents, in violation of Title 18, United States Code, section 1001, as further set out below.

Manner and Means

6. It was a part of the conspiracy that the defendants would attend gun shows around New Mexico and, in order to make the maximum possible amount of money, sell firearms without performing the required background check.

7. It was a further part of the conspiracy that if the defendants did perform the required background check and, if the NICS gave an instruction to Delay the sale, would perform the sale immediately, and falsify the records of the sale to indicate the sale had occurred after the three-day standard Delay period.

8. It was a further part of the conspiracy that the defendants would, in the case of a Delayed sale, drive the firearm to be sold and transfer it to the buyer from a motor vehicle, rather than requiring the buyer to travel to Shooter's Outpost's licensed business location in Espanola, New Mexico.

9. It was a further part of the conspiracy that the defendants would sell firearms other than rifles or shotguns to buyers under the age of 21.

10. It was a further part of the conspiracy that the defendants would conceal from federal investigators the true circumstances under which firearms were sold, either by falsifying records, making verbal statements, or both.

11. In furtherance of the conspiracy, and to effect the objects thereof, in the District of New Mexico, the defendants committed, among other overt acts, the following

OVERT ACTS

12. On or about March 12, 2016, at the High Desert Gun Show in Silver City, New Mexico, the defendants, **ROBERT REAL** and **LINDA REAL** sold a Phoenix Arms Model HP22A, .22 caliber semiautomatic pistol to M.H.D..

13. On or about June 4, 2016, in Albuquerque, New Mexico, the defendant, **ROBERT REAL**, sold S.R.N. a firearm.

14. On or about November 20, 2016, in the District of New Mexico, the defendants,

ROBERT REAL and **LINDA REAL**, sold a Norinco model SKS/Paratrooper 7.62x39mm caliber semiautomatic rifle to E.T.

15. On or about November 23, 2016, the defendant, **CRYSTAL JOHNSON**, delivered a firearm to S.J.K. at the San Felipe Casino Hollywood in Algodones, New Mexico, from a motorized vehicle.

16. On or about January 28, 2017, at the Carlsbad Gun Show, the defendants, **ROBERT REAL** and **LINDA REAL**, sold a firearm, a Cobra Model FS380, .380 caliber semiautomatic pistol to R.M.S.

17. On or about February 11, 2017, at the Albuquerque Gun Show, the defendant, **ROBERT REAL** accepted \$500 from J.A.L. in return for a promise to sell J.A.L. a revolver in the future.

18. On or about February 24, 2017, at Shooter's Outpost in Espanola, New Mexico, the defendant, **ROBERT REAL**, when interviewed by ATF agents, falsely stated that R.M.S. had driven to Espanola, New Mexico to the Shooter's Outpost to pick up the firearm on February 2, 2017, when he then and there well knew and believed that he had sold R.M.S. the firearm on January 28, 2017.

19. On or about between January 28, 2017 and February 24, 2017, those dates being inclusive, the defendants, **ROBERT REAL** and **LINDA REAL**, altered the ATF Form 4473 for the January 28, 2017 sale to R.M.S. to state that the sale took place on February 2, 2017.

In violation of 18 U.S.C. § 371.

Count 2

On or about March 12, 2016, at the High Desert Gun Show in Silver City, New Mexico,

the defendants, **ROBERT REAL** and **LINDA REAL**, licensed firearm dealers within the meaning of federal law, knowingly and unlawfully sold a Phoenix Arms Model HP22A, .22 caliber semiautomatic pistol to M.H.D., a person unauthorized to possess that firearm in the state in which it was sold to him, because he was a felon.

In violation of 18 U.S.C. § 922(b)(2).

Count 3

On or about June 4, 2016, in Albuquerque, New Mexico, the defendant, **ROBERT REAL**, a licensed firearms dealer within the meaning of federal law, knowingly and unlawfully sold S.R.N., a person known to the grand jury to have been under 21 years of age at that time, a firearm other than a rifle or shotgun, specifically a Spikes Spartan lower receiver.

In violation of 18 U.S.C. § 922(b)(1).

Count 4

On or about November 20, 2016, in the District of New Mexico, the defendants, **ROBERT REAL** and **LINDA REAL**, sold a Norinco model SKS/Paratrooper 7.62x39mm caliber semiautomatic rifle to E.T., despite receiving a Delay instruction from NICS on the background check related to that sale, and then knowingly and unlawfully altered the ATF Form 4473 for that sale to claim the firearm was transferred on November 25, 2016.

In violation of 18 U.S.C. § 922(m).

Count 5

On or about November 23, 2016, at the San Felipe Casino Hollywood in Algodones, New Mexico the defendant, **CRYSTAL JOHNSON**, knowingly and unlawfully delivered a firearm to S.J.K. from a motorized vehicle, after a sale to S.J.K. was given a Delay instruction by NICS.

In violation of 18 U.S.C. § 923(j).

Count 6

On or about January 28, 2017, at the Carlsbad Gun Show, in the District of New Mexico, the defendants, **ROBERT REAL** and **LINDA REAL**, licensed firearms dealers within the meaning of federal law, knowingly and unlawfully sold a firearm, a Cobra Model FS380, .380 caliber semiautomatic pistol to R.M.S., a person unauthorized to possess the firearm in the state in which it was transferred, because R.M.S. was a felon.

In violation of 18 U.S.C. § 922(b)(2).

Count 7

On or about February 24, 2017, in Santa Fe, New Mexico, the defendant, **ROBERT REAL**, knowingly and unlawfully made false statements to federal agents investigating a matter within their criminal jurisdiction, regarding a material matter, specifically by telling agents from the ATF that R.M.S. had driven to Espanola, New Mexico to the Shooter's Outpost to pick up a firearm on February 2, 2017, when the defendant then and there well and truly believed he had sold the firearm to R.M.S. on January 28, 2017 in Carlsbad, New Mexico .

In violation of 18 U.S.C. § 1001.

Count 8

On or about between January 28, 2017 and February 24, 2017, those dates being inclusive, in the District of New Mexico, the defendants, **ROBERT REAL** and **LINDA REAL**, knowingly and unlawfully altered the ATF Form 4473 for the January 28, 2017 sale to R.M.S. to state that the sale took place on February 2, 2017.

In violation of 18 U.S.C. § 922(m).

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

_____ Tuesday, October 24, 2017